IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1487 OF 2007
IN
SUMMARY SUIT NO.3513 OF 1998

Chaganlal R. Shah ...Plaintiff

Versus

Uttamchand R. Shah & Ors. ...Defendants

And

Vinodkumar R. Shah ...Respondent

Shri Kailas More for the Applicant/Plaintiff.

CORAM : ABHAY S.OKA, J.
DATED : SEPTEMBER 28th, 2007.

P.C.:

1. Heard the learned counsel appearing for the Plaintiff in support of Chamber Summons. He states that Chamber Summons has been duly served to concerned parties.

2. The 2nd Defendant expired on 09th July, 2004. In affidavit in support the Plaintiff has stated that he was not aware of death of the 2nd Defendant till 09th August, 2007. When the said fact was disclosed by the Advocate for the Defendants before the Court, he came to know about the death. The Respondent herein is the legal representative of the deceased Defendant.

3. In view of the assertions in the affidavit in support, the Chamber Summons deserves to be made absolute. Accordingly, Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out within four weeks. After amendment is carried out, Writ of Summons shall be served within a period of eight weeks thereafter.

JUDGE